



### *Underground Storage Tank Delivery Prohibition Fact Sheet*

As of September 15, 2010, Virginia Regulation 9VAC25-580-370 authorizes the Department of Environmental Quality (DEQ) to place a Delivery Prohibition Tag (Red Tag) on an Underground Storage Tank (UST) that is not in compliance with certain provisions of the UST Regulation.

Virginia's Delivery Prohibition Procedures:

- **Notice and Opportunity to Be Heard:** Before placing a Red Tag on your UST(s), DEQ will provide notice that it is considering delivery prohibition for your UST(s) and conduct a fact finding conference to determine if the UST(s) are out of compliance. You will have an opportunity to attend and provide information about your UST(s) compliance status. After the conference, DEQ will issue a written decision letting you know whether your UST(s) will be tagged. DEQ will also post this information on its website and notify any delivery companies on its designated e-mail list.
- **Red Tag:** If DEQ determines that a delivery prohibition violation exists, staff will return to the facility to attach a Red Tag to the fill pipe for each affected tank. This will serve as notice that the UST(s) cannot accept delivery or deposit of a regulated substance, including petroleum. Violation of the delivery prohibition, or unauthorized removal, alteration or defacement of the Red Tag is unlawful. Violators will be subject to enforcement action.
- **Return to Compliance:** Once the Red Tag is placed on the UST(s), you will have to demonstrate in writing to DEQ's satisfaction that the UST(s) are back in compliance before the Red Tag can be removed. If the documentation is insufficient, DEQ staff will notify you in writing to explain the deficiencies. Once DEQ determines that you have returned a tagged UST to compliance, the Red Tag will be removed.
- **Triggering Delivery Prohibition:** Depending on the type of alleged violation(s) identified at the inspection, DEQ may begin the delivery prohibition process immediately after the initial inspection. Generally, failure to comply with secondary containment and suspected release provisions, failure to install the necessary pollution prevention equipment on your tank (i.e., spill prevention, corrosion protection, overfill protection, release detection), or disabling the pollution prevention equipment, warrants an expedited process. For most other operation and maintenance violations, you will have an opportunity to come into compliance before DEQ begins the delivery prohibition process.
- **The UST regulation:** <http://lis.virginia.gov/cgi-bin/legp604.exe?000+reg+TOC09025#C0580>
- Additional information regarding the delivery prohibition process may be found in Chapter 5 of Volume IV of **DEQ's Storage Tank Compliance Manual** located here: <https://townhall.virginia.gov/L/ViewGDoc.cfm?gdid=5548>.